

Attachment A to Standard Protective Order

DECLARATION**In the Matter of****[Name of Proceeding]) Docket No. ____**

I, _____, hereby declare under penalty of perjury that I have read the Protective Order that has been entered by the Commission in this proceeding, and that I agree to be bound by its terms pertaining to the treatment of Confidential Information submitted by parties to this proceeding. I understand that the Confidential Information shall not be disclosed to anyone except in accordance with the terms of the Protective Order and shall be used only for purposes of the proceedings in this matter. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission. I acknowledge that this Protective Order is also a binding agreement with the Submitting Party.

(signed) _____

(printed name) _____

(representing) _____

(title) _____

(employer) _____

(address) _____

(phone) _____

(date) _____

APPENDIX C - Final Rules**AMENDMENTS TO THE CODE OF FEDERAL REGULATIONS**

Parts 1 and 61 of Title 47 of the Code of Federal Regulations (C.F.R) are amended as follows:

PART 1 -- PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

AUTHORITY: 47 U.S.C. 151, 154, 204(a)(3), 303, and 309(j), unless otherwise noted.

2. In section 1.773, paragraphs (a)(2)(i) through (a)(2)(iv) are redesignated as paragraphs (a)(2)(ii) through (a)(2)(v), paragraphs (b)(1)(i) through (b)(1)(v) are redesignated as paragraphs (b)(1)(ii) through (b)(1)(vi), new paragraphs (a)(2)(i) and (b)(1)(i) are added, paragraphs (a)(4) and (b)(3) are revised to read as follows:

§ 1.773 Petitions for suspension or rejection of new tariff filings

* * * * *

(a)(2) * * *

(i) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filed pursuant to section 204(a)(3) of the Communications Act made on 7 days notice shall be filed and served within 3 calendar days after the date of the tariff filing.

* * * * *

(4) *Copies, service.* An original and four copies of each petition shall be filed with the Commission as follows: the original and three copies of each petition shall be filed with the Secretary, FCC room 222, 1991 M Street, NW., Washington, DC 20554; one copy must be delivered directly to the Commission's copy contractor, International Transcription Service, Inc., 2100 M St., NW., Suite 140, Washington, DC. Additional, separate copies shall be served simultaneously upon the Chief, Common Carrier Bureau; the Chief, Competitive Pricing Division; and the Chief, Tariff and Price Analysis Branch of the Competitive Pricing Division. Petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served either personally or via facsimile on the filing carrier. If a petition is served via facsimile, a copy of the petition must also be sent to the

filing carrier via first class mail on the same day of the facsimile transmission. Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on more than 15 days notice may be served on the filing carrier by mail.

(b)(1) * * *

(i) Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filed pursuant to section 204(a)(3) of the Act made on 7 days notice shall be filed and served within 2 days after the date the petition is filed with the Commission.

* * * * *

(3) *Copies, service.* An original and four copies of each reply shall be filed with the Commission, as follows: the original and three copies must be filed with the Secretary, FCC room 222, 1919 M Street, NW., Washington, DC 20554; one copy must be delivered directly to the Commission's Copy contractor, International Transcription Service, Inc., 2100 M St., NW/. Suite 140, Washington, DC. Additional separate copies shall be served simultaneously upon the Chief, Common Carrier Bureau; the Chief, Competitive Division; and the Chief, Tariff and Price Analysis Branch of the Competitive Pricing Division and the petitioner. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served on petitioners personally or via facsimile. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff made on more than 15 days notice may be served upon petitioner personally, by mail or via facsimile.

PART 61 -- TARIFFS

3. The authority citation for part 61 continues to read as follows:

AUTHORITY: Sections 1, 4(i), 4(j), 201-205, and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201-205, and 403, unless otherwise noted.

4. Section 61.3(s) is revised to read as follows:

§ 61.3 Definitions

* * * * *

(s) Local Exchange Carrier. Any person that is engaged in the provision of telephone exchange service or exchange access as defined in section 3(26) of the Act.

5. In section 61.33, paragraph (d) is revised and redesignated, new paragraph (e) is added, and paragraphs (e), (f), and (g) are redesignated as (f), (g), and (h) as follows:

§ 61.33 Letters of transmittal

* * * * *

(d) Tariffs filed pursuant to section 204(a)(3) of the Communications Act shall display prominently in the upper right hand corner of the letter of transmittal a statement that the filing is made pursuant to that section and whether it is being filed on 7- or 15-days' notice.

(e) In addition to the requirements set forth in paragraph (a) of this section, any carrier filing a new or revised tariff made on 15 days' notice or less shall include in the letter of transmittal, the name, room number, street address, telephone number, and facsimile number of the individual designated by the filing carrier to receive personal or facsimile service of petitions against the filing as required under § 1.773(a)(4).

6. Section 61.49 is amended by adding new paragraph (l) to read as follows:

§ 61.49 Supporting information to be submitted with letters of transmittal for tariffs of carriers subject to price cap regulation

* * * * *

(l) In accordance with §§ 61.41-61.49, local exchange carriers subject to price cap regulation that elect to file their annual access tariff pursuant to section 204(a)(3) of the Communications Act shall submit supporting material for their interstate annual access tariffs, absent rate information, 90 days prior to July 1 of each year.

7. New section 61.51 is added to part 61 to read as follows:

§ 61.51 LEC tariff filings requirements pursuant to section 204(a)(3) of the Communications Act.

(a) Local exchange carriers may file tariffs pursuant to section 204(a)(3) of the Communications Act. Such tariffs shall be filed in accordance with the notice periods set forth in § 61.58(d).

(b) Local exchange carriers may elect not to file any tariffs pursuant to section 204(a)(3) of the Communications Act that may be eligible for filing under that section. Any

such tariffs not filed pursuant to section 204(a)(3) of the Communications Act shall be filed in accordance with the notice requirements of §§ 61.23 and 61.58.

(c) Local exchange carrier tariff filings pursuant to section 204(a)(3) must comply with the requirements of §§ 61.38, 61.39, and 61.41-61.50.

(1) Local exchange carriers subject to price cap regulation that elect to file their annual access tariff pursuant to section 204(a)(3) of the Communications Act shall submit support material for their interstate annual access tariffs, in accordance with § 61.49(l).

8. Section 61.52 is amended by adding new paragraph (c) to read as follows:

§ 61.52 Form, size, type, legibility, etc.

* * * * *

(c) Local exchange carriers shall file all tariff publications and associated documents, such as transmittal letters, requests for special permission, and cost support documents, electronically in accordance with the requirements established by the Chief, Common Carrier Bureau.

9. Section 61.58 is amended by revising paragraph (a)(2), redesignating paragraphs (d) and (e) as paragraphs (e) and (f), and adding new paragraph (d) to read as follows:

§ 61.58 Notice requirements.

(a) * * *

(1) * * *

(2) Except for tariffs filed pursuant to section 204(a)(3) of the Communications Act, the Chief, Common Carrier Bureau, may require the deferral of the effective date of any tariff filing made on less than 120-days' notice, so as to provide for a maximum of 120-days' notice, or of such other maximum period of notice permitted by section 203(b) of the Communications Act, regardless of whether petitions under § 1.773 of the Commission's Rules have been filed.

* * * * *

(d) Tariffs filed pursuant to section 204(a)(3) of the Communications Act. Local exchange carriers filing tariffs pursuant to section 204(a)(3) of the Communications Act may file the tariff on 7-days' notice if it proposes only rate decreases. Any other tariff filed pursuant to section 204(a)(3) of the Communications Act, including those that propose a rate

increase or any change in terms and conditions of service other than a rate change, shall be filed on 15-days' notice.